

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1834**

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**Introduced by Assembly Member Solorio**

February 12, 2010

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~~An act to add Section 10540.1 to the Water Code, relating to stormwater. An act to add Part 2.4 (commencing with Section 10570) to Division 6 of the Water Code, relating to water.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1834, as amended, Solorio. ~~Regional water management: stormwater. Rainwater Capture Act of 2010.~~

*Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of stormwater in accordance with the national pollutant discharge elimination system (NPDES) permit program and the Porter-Cologne Water Quality Control Act. Existing law authorizes a regional water management group, as defined, to adopt an integrated regional water management plan that addresses specified matters. Existing law authorizes a city, county, or special district to develop, jointly or individually, stormwater resource plans that meet certain standards.*

*This bill would enact the Rainwater Capture Act of 2010, which would authorize a landowner to install, maintain, and operate, on the landowner's property, a rainwater capture system meeting specified requirements. The bill would require the State Water Resources Control Board to initiate a stakeholder process to develop guidelines for local agencies to address issues arising out of rainwater capture for nonpotable uses, and would require the board to submit*

*recommendations as to the appropriate guidelines to the Legislature and the Governor by December 31, 2011.*

~~The Integrated Regional Water Management Planning Act of 2002 authorizes a regional water management group to prepare a regional plan for the implementation or operation of specified qualified projects or programs relating to water supply, water quality, flood protection, or related matters. A regional water management group is authorized to coordinate its planning activities to address or incorporate specified activities, including, among others, stormwater resource planning into its plan.~~

~~This bill would state the intent of the Legislature to enact legislation that would encourage California water agencies that develop integrated regional water management plans retain as much stormwater runoff as reasonably possible to fulfill the water supply needs of their communities and reduce downstream water quality problems and that would require the costs of stormwater retention projects be borne equitably by all those who benefit from those projects.~~

~~Vote: majority. Appropriation: no. Fiscal committee: no-yes.~~  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Part 2.4 (commencing with Section 10570) is*  
 2     *added to Division 6 of the Water Code, to read:*

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 4             *PART 2.4. RAINWATER CAPTURE ACT OF 2010*

5  
 6     *10570. This part shall be known, and may be cited, as the*  
 7     *Rainwater Capture Act of 2010.*

8     *10571. The Legislature finds and declares all of the following:*

9         *(a) As California has grown and developed, the amount of*  
 10         *stormwater flowing off impervious surfaces into surface water*  
 11         *streams and flood channels has increased, thereby reducing water*  
 12         *allowed to infiltrate into groundwater aquifers and increasing*  
 13         *water flowing to the ocean.*

14         *(b) Historical patterns of precipitation are predicted to change*  
 15         *and an increasing amount of California's water is predicted to*  
 16         *fall not as snow in the mountains, but as rain in other areas of the*  
 17         *state. This will likely have a profound and transforming effect on*  
 18         *California's hydrologic cycle and much of that water will no longer*

1 *be captured by California's reservoirs, many of which are located*  
2 *to capture snow melt.*

3 *(c) Rainwater, captured and properly managed, can contribute*  
4 *significantly to local water supplies through onsite storage and*  
5 *use, or percolation into the ground to recharge groundwater*  
6 *aquifers, thereby increasing available supplies of drinking water.*

7 *(d) Expanding reliance on rainwater capture for water supply*  
8 *needs will require efforts at all levels, from individual landowners*  
9 *to local agencies and watershed managers.*

10 *10572. Unless the context otherwise requires, the following*  
11 *definitions govern the construction of this part:*

12 *(a) "Rainwater" means rain or snow that has not entered an*  
13 *off-site drainage system, stormwater facility, or other stream*  
14 *channel, and has not previously been put to beneficial use.*

15 *(b) "Rainwater capture system" means a facility designed to*  
16 *capture and retain rainwater for either subsequent outdoor*  
17 *landscaping uses or infiltration into a groundwater aquifer on or*  
18 *under the property where the rainwater was captured.*

19 *(c) "Stormwater" means temporary water flows generated by*  
20 *immediately preceding storms that flow in natural or artificial*  
21 *channels designed to divert excess water away from urban areas.*

22 *10573. (a) A landowner may install, maintain, and operate,*  
23 *on the landowner's property, a rainwater capture system connected*  
24 *to artificial, impervious surfaces that prevent natural groundwater*  
25 *recharge. If a local agency has a program to promote rainwater*  
26 *or stormwater capture and use, the landowner shall comply with*  
27 *applicable requirements of the program, including, but not limited*  
28 *to, a stormwater resource plan adopted pursuant to Part 2.3*  
29 *(commencing with Section 10560).*

30 *(b) Financing pursuant to Chapter 29 (commencing with Section*  
31 *5898.10) of Part 3 of Division 7 of the Streets and Highways Code*  
32 *shall be available to landowners who install a rainwater capture*  
33 *system, if a local agency authorizes and arranges that financing*  
34 *consistent with the requirements of that chapter.*

35 *10574. A state or local agency shall not impose requirements*  
36 *on rainwater capture systems, or rainwater capture use, for*  
37 *landscaping purposes that include water quality requirements that*  
38 *are the same as those imposed for use as potable water.*

39 *10575. It is the intent of the Legislature to encourage*  
40 *collaboration among regional and local agencies with*

responsibilities for flood protection, water supply, or land use to promote greater capture of rainwater and stormwater for water supply purposes.

10576. (a) The board shall initiate a stakeholder process to develop guidelines for local agencies to address issues arising out of rainwater capture for nonpotable uses, including, but not limited to, all of the following:

(1) Vector control.

(2) Water quality.

(3) Safe installation, maintenance, and operation of rainwater capture systems.

(4) Water rights.

(5) Vegetation and habitat management in flood facilities and rainwater capture systems.

(b) The board shall invite all stakeholders and agencies concerned about rainwater and stormwater capture to participate in the process described in subdivision (a). The board shall invite local, regional, state, and federal agencies, including, but not limited to, the Department of Water Resources and the United States Army Corps of Engineers. The board may appoint a local agency or another state agency to lead the stakeholder process if that agency can provide funding for the process, but the board shall retain responsibility for the outcome of the process.

(c) The board shall submit recommendations, arising out of the stakeholder process described in subdivision (a), as to the appropriate guidelines for rainwater capture for nonpotable uses, to the Legislature and the Governor by December 31, 2011. These recommendations may include recommendations for additional legislation, including amendments to this part, or other state agency actions to implement the guidelines.

(d) (1) The requirement for submitting a report imposed under subdivision (c) is inoperative on January 1, 2015, pursuant to Section 10231.5 of the Government Code.

(2) A report to be submitted pursuant to subdivision (c) shall be submitted in compliance with Section 9795 of the Government Code.

~~SECTION 1. Section 10540.1 is added to the Water Code, to read:~~

~~10540.1. It is the intent of the Legislature to enact legislation that would encourage California water agencies that develop~~

1 integrated regional water management plans to retain as much  
2 stormwater runoff as reasonably possible to fulfill the water supply  
3 needs of their communities and reduce downstream water quality  
4 problems. It also is the intent of the Legislature to enact legislation  
5 to require that the costs of stormwater retention projects be borne  
6 equitably by all those who benefit from those projects.

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